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C O N F I D E N T I A L NEW DELHI 15856

EO 11652: GDS

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SUBJ: THREE ANANDA MARGIS CONVICTED IN A.N. RAY CASE

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE FOR DELHI, K.S. SIDHU, ON OCTOBER 28 FOUND THREE OF THE FOUR DEFENDANTS IN THE A.N. RAY CASE GUILTY OF ACRIMINAL CONSPIRACY TO MURDER CHIEF JUSTICE A.N. RAY IN DELHI ON MARCH 20, 1975. THE THREE CONVICTED PERSONS, SANTOSHANAND AVADHOOT, SUDEVANAND AVADHOOT AND RANJAN DWIVEDI (A SUPREME COURT LAWYER WHOSE WIFE IS AN AMERICAN CITIZEN), HAD BEEN CHARGED BY THE CBI OF ENTERING INTO A CONSPIRACY TO MURDER THE CHIEF JUSTICE. (TWO HAND GRENADES HAD BEEN THROWN INTO RAY'S CAR WHILE IT WAS STOPPED AT A TRAFFIC LIGHT OUTSIDE THE SUPREME COURT. THEY FAILED TO EXPLODE DUE TO A FAULTY DETONATOR). IN ADDITION TO THE CONVICTIONS OF THE THREE ON THE CONSPIRACY CHARGE, THE JUDGE ALSO FOUND SANTOSHANDND AND SUDEVANAND GUILTY OF ATTEMPTING TO COMMIT MURDER AND OF ILLEGALLY POSSESSING EXPLOSIVES. THE JUDGE, HOWEVER, ACQUITTED THE FOURTH DEFENDANT IN THE CASE, WHO HAD BEEN CHARGED WITH PROVIDING THE EXPLOSIVES TO THE OTHERS, ON THE GROUNDS OF INSUFFICIENT

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EVIDENCE. THE FIFTH PERSON ACCUSED, VIKRAM, HAD BECOME

THE "APPROVER" FOR THE STATE (I.E., HE TURNED STATE'S EVIDENCE).

2. DURING THE LENGTHY TRIAL WHICH BEGAN IN JANUARY THE PROSECUTION CLAIMED THAT THE THREE DEFENDANTS HAD UNDERTAKEN THEIR CONSPIRACY AS AN ACT OF REVENGE ON CHIEF JUSTICE RAY. THEIR "SPIRITUAL LEADER," P.R. SARKAR (ALIAS ANAND MURTI), WHO IS CURRENTLY STANDING TRIAL IN PATNA, HAD HAD THREE OF HIS PETITIONS TURNED DOWN BY THE SUPREME COURT SINCE HIS ARREST IN 1971 ON CHARGES OF ORDERING THE MURDER OF SIX ANANDA MARG DEFECTORS. RAY PRESIDED OVER TWO OF THE BENCHES WHICH HANDED DOWN THESE DECISIONS, AND THE PROSECUTION CLAIMED THAT FOR THAT REASON SANTOSHANAND AND SUDEVANAND HAD DECIDED TO ASSASSINATE THE CHIEF JUSTICE.

3. IN HIS DECISION, JUDGE SIDHU APPARENTLY AGREED WITH THE PROSECUTION'S ARGUMENT AND CONCLUDED THAT THE THREE ACCUSED WERE "ARDENT" ANANDA MARGIS WHO HAD BEEN DELUDED BY THE TEACHINGS OF THEIR LEADER INTO THINKING THAT RAY WAS A "GREAT SINNER" WHO DESERVED TO BE ELIMINATED. MUCH OF THE PROSECUTION'S CASE RESTED ON THE EVIDENCE SUBMITTED BY THE "APPROVER" WHO WAS RELEASED AT THE CONCLUSION OF THE TRIAL YESTERDAY. IN HIS STATEMENT, THE JUDGE REMARKED THAT THIS APPROVER WAS A "RELIABLE WITNESS," WHOSE EVIDENCE HAD PASSED THE "TEST OF GENERAL RELIABILITY." THE DEFENSE COUNSEL, ON THE OTHER HAND, HAD CONTENDED DURING THE TRIAL THAT THE COURT SHOULD NOT BELIEVE THE EVIDENCE OF THE APPROVER, FOR HE APPEARED TO BE ONLY A POLICE INFORMER.

4. COMMENT: THE FINDINGS OF THE COURT BUTTRESS THE GOI'S FREQUENTLY ASSERTED CLAIM THAT THE ANANDA MARG IS AN EXTREMIST ORGANIZATION. THE EMBASSY, HOWEVER, HAS NO GROUNDS FOR ASSESSING THE FAIRNESS OF THE TRIAL. ALL THE NORMAL JUDICIAL PROCEDURES REPORTEDLY WERE FOLLOWED. PRESS COVERAGE WAS EXHAUSTIVE. WE SUSPECT THE PRIME MINISTER'S ADHERENTS WILL ACCEPT THE OUTCOME WITHOUT QUESTION. HER CRITICS WILL SAY IT WAS A TRUMPED UP CASE.
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